

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LONDA SCOGGINS, ) 1:05-cv-00175-AWI-SMS  
)  
Plaintiff, ) ORDER ADOPTING FINDINGS AND  
) RECOMMENDATION TO GRANT  
v. ) DEFENDANT'S MOTION TO DISMISS OR,  
) IN THE ALTERNATIVE, FOR SUMMARY  
) JUDGMENT (DOC. 11)  
JO ANNE B. BARNHART, )  
Commissioner of Social ) ORDER DIRECTING THE CLERK TO  
Security, ) ENTER JUDGMENT FOR DEFENDANT JO  
) ANNE B. BARNHART AND AGAINST  
Defendant. ) PLAINTIFF LONDA SCOGGINS  
)  
\_\_\_\_\_ )

Plaintiff is proceeding in forma pauperis and with counsel with an action seeking judicial review of a final decision of the Commissioner of Social Security (Commissioner) denying Plaintiff's application for benefits. The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rule 72-302(c) (15).

On August 24, 2005, the Magistrate Judge filed findings and a recommendation that Defendant's motion for summary judgment, be granted, and that the Clerk be directed to enter judgment for Defendant Jo Anne B. Barnhart and against Plaintiff Londa Scoggins. The findings and recommendation were served on all

1 parties on August 24, 2005, and contained notice that any  
2 objections to the findings and recommendations were to be filed  
3 within thirty (30) days of the date of service of the order.  
4 Extensions of time to file objections were granted.

5 Plaintiff has filed timely objections to the findings and  
6 recommendations; the undersigned has considered the objections  
7 and has determined there is no need to modify the findings and  
8 recommendations based on the points raised in the objections.

9 In accordance with the provisions of 28 U.S.C. § 636  
10 (b) (1) (C) and Britt v. Simi Valley United School Dist., 708 F.2d  
11 452, 454 (9<sup>th</sup> Cir. 1983), this Court has conducted a *de novo*  
12 review of the case. Having carefully reviewed the entire file,  
13 the Court finds that the findings and recommendation are  
14 supported by the record and proper analysis.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. The findings and recommendation filed August 24, 2005,  
17 are ADOPTED IN FULL; and

18 2. Defendant's motion for summary judgment is GRANTED; and

19 2. The Clerk of Court is DIRECTED to enter judgment in favor  
20 of Defendant Jo Anne B. Barnhart, Commissioner of Social  
21 Security, and against Plaintiff Londa Scoggins.

22 IT IS SO ORDERED.

23 **Dated: November 16, 2005**  
24 0m8i78

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE